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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: 1632

PHILIP S. RUDLAND ET AL.

Examiner: R. Shukla

Serial No.: 09/101,423

Filed: November 27, 1998

For: METASTASIS INDUCING DNA'S

Attorney Docket No.: WPT 0114 PUSA

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**RESPONSE TO RESTRICTION REQUIREMENT
AND PETITION FOR EXTENSION OF TIME**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant hereby petitions for a two month extension of time to respond to the Office Action dated August 27, 1999, thereby extending the time period within which to respond to November 27, 1999.

In response to the Restriction Requirement of August 27, 1999, Applicants hereby elect the Group I claims, claims 1-8, 15-20 and 26, with traverse, and further with the specific request that if the restriction is maintained, that claim 11 be substituted for claim 8.

The rationale for the restriction is that the inventions listed in Groups I through VI do not relate to a single general inventive concept because they lack the same or corresponding special technical features. However, as can be seen, there is certainly a commonality of purpose in the claimed subject matter which clearly supports the existence of a single inventive concept. Merely because the particular DNA sequences are different does not mean that these DNA sequences do not correspond to such a single inventive concept. The DNA sequences which form part of this

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:

November 24, 1999
Date of Deposit

William G. Conger
Name of Person Signing

[Signature]
Signature

invention have all been identified to the Office, which has a database having known DNA sequences incorporated therein. Therefore, the additional work necessary to search even very different DNA sequences of limited numbers is relative small. In the present case, all of the DNA sequences contain certain common elements which would facilitate such a search. Thus, Applicants believe that the present invention should not be subject to restriction and that the claims should be rejoined.


If, however, the restriction is maintained, Applicants respectfully submit that claim 11 and its DNA sequence be substituted for claim 8. The claims would thus contain only one DNA sequence as Group I presently does. This would also require substituting claim 23 for claim 20 and claim 29 for claim 26. Group I would therefore include claims 1-7, 11, 15-19, 23, and 29.

A check in the amount of \$380.00 is enclosed to cover the Petition fee. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978 -- a duplicate of this paper is enclosed for that purpose.

Respectfully submitted,

PHILIP S. RUDLAND ET AL.

By


William G. Conger
Reg. No. 31,209
Attorney for Applicant

The PTO did not receive the following
listed item(s) A CHECK OF \$380.00

Date: November 24, 1999

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